

Senate Bill No. 1618

CHAPTER 67

An act to amend Sections 21070, 21071, and 21072 of, and to amend the heading of Article 74 (commencing with Section 21070) of Chapter 1.5 of Part 3 of Division 2 of, the Public Contract Code, relating to local agency contracts.

[Approved by Governor July 12, 2006. Filed with
Secretary of State July 12, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1618, McClintock. Local agency contracts.

Existing law prescribes procedures for contracting for cities, counties, special districts, and any other agency of the state for the local performance of governmental or proprietary functions within limited boundaries. Existing law establishes procedures by which these entities may take immediate action in the event of an emergency, to obtain equipment, services, and supplies for emergency purposes, without giving notice for bids to let contracts.

Existing law authorizes the Ventura County Flood Control District to perform emergency work by negotiated contract without advertising for bids, if specified procedures are followed.

This bill would change the name of the Ventura County Flood Control District to the Ventura County Watershed District and would authorize that district to perform emergency work by negotiated contract without advertising for bids if specified procedures are followed. This bill would also make technical conforming amendments.

The people of the State of California do enact as follows:

SECTION 1. The heading of Article 74 (commencing with Section 21070) of Chapter 1.5 of Part 3 of Division 2 of the Public Contract Code is amended to read:

Article 74. Ventura County Watershed Protection District

SEC. 2. Section 21070 of the Public Contract Code is amended to read:

21070. The provisions of this article shall apply to contracts by the Ventura County Watershed Protection District, as provided for in Chapter 44 of the Statutes of the 1944 Fourth Extraordinary Session.

SEC. 3. Section 21071 of the Public Contract Code is amended to read:

21071. (a) All contracts for any improvement or unit of work except as hereinafter provided estimated to cost in excess of ten thousand dollars (\$10,000) shall be let to the lowest responsible bidder in the manner hereinafter provided. The board of supervisors of the district shall advertise by three insertions in a daily newspaper of general circulation or two insertions in a weekly newspaper of general circulation printed and published in the district inviting sealed proposals for the construction of, the improvement or work before any contract shall be made therefor, and may let by contract separately any part of the work or improvement. The board shall require the successful bidder to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of their claims for labor and material in connection therewith, such bonds to contain the terms and conditions set forth in Chapter 7 (commencing with Section 3247) of Title 5 of Part 4 of the Civil Code and to be subject to the provisions of that chapter. The board shall also have the right to reject any and all bids. In the event all proposals are rejected or no proposals are received pursuant to advertisement therefor, or where the estimated cost of such work does not exceed the sum of ten thousand dollars (\$10,000), or the work consists of channel protection, or maintenance work, or emergency work when necessary in order to protect life and property from impending flood damage, the board of supervisors may, without advertising for bids therefor, have the work done by force account or negotiated contract.

(b) The district shall have the power to purchase in the open market without advertising for bids therefor, materials, supplies, equipment, and other personal property for use in any work therewith either under contract or by force account where the costs thereof do not exceed ten thousand dollars (\$10,000). It shall be the duty of the purchasing agent of Ventura County, as the ex officio purchasing agent of the Ventura County Watershed Protection District, unless otherwise ordered by the board of supervisors, to purchase for the district all materials, supplies, equipment, and other personal property necessary to carry out the purposes of this act, and to engage independent contractors to perform sundry services for the district, where the aggregate cost of such work, exclusive of materials to be furnished by the district, does not exceed ten thousand dollars (\$10,000).

(c) The purchasing agent shall make all such purchases and contracts upon proper requisition therefor, signed by the engineer-manager of the district, or his or her authorized representative.

(d) If the work consists of the maintenance or alteration of existing facilities, including electrical, painting, and roofing in connection therewith, and if the cost of labor and materials for such work according to the engineer's estimate will exceed five thousand dollars (\$5,000), and if the work is not of the type of work referred to in this section, such maintenance and alteration work shall be performed under a contract or contracts that shall be let to the lowest responsible bidder or bidders in the manner described in this section.

SEC. 4. Section 21072 of the Public Contract Code is amended to read:
21072. (a) Emergency work may be done by negotiated contract without advertising for bids or requiring bonds.

(b) In case of an emergency, if notice for bids to let contracts will not be given, the board of supervisors shall comply with Chapter 2.5 (commencing with Section 22050).